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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,525	09/18/2001	Leonard Alan Collins	210817	8577
45979	7590	09/20/2005	EXAMINER	
PERKINS COLE LLP/MSFT P. O. BOX 1247 SEATTLE, WA 98111-1247			SHAW, PELING ANDY	
			ART UNIT	PAPER NUMBER
			2144	

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/955,525

Applicant(s)

COLLINS, LEONARD ALAN

Examiner

Peling A. Shaw

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 28-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 28-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Amendment received on 06/30/2005 has been entered. Claims 1-27 are cancelled. Claims 28-42 are new. Claims 28-42 are still pending.

***Priority***

2. This application has no priority claim made. The filing date is 09/18/2001.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 28-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srisuresh et al. (US 6058431 A), hereinafter referred as Srisuresh in view of Berg et al. (US 6674713 B1), hereinafter referred as Berg, applicant's admitted prior art, hereinafter referred as APA, and Sridhar et al. (US 6324582 B1), hereinafter referred as Sridhar.

- a. Srisuresh shows (claim 28) a method in a local device of enabling a remote device to initiate a traffic flow with a local device, comprising: sending an [initial null] message addressed to the remote device wherein when the local device is located behind a network address translator (column 5, line 51-62, Fig. 2), the network address translator intercepts the [initial null] message and establishes an address translation between the remote device and the local device (column 5, line 63-67); and receiving a message from the remote device wherein when the local device is

located behind the network address translator, the network address translator receives the message and performs address translation based on the established address translation (column 6, line 1-12); wherein the local device operates independently of whether it is located behind a network address translator (APA: page 1, paragraph 2). Srisuresh does not show (claim 28) sending an initial null message; when the local device is not behind a network address translator the initial null message is forwarded to the remote device; (claim 32) further comprising: before sending an initial null message, discovering the remote device as a device with which the local device wishes to communicate.

- b. Berg shows (claim 28) sending an initial null message (column 22, line 25-44) in an analogous art for the purpose of method and apparatus for providing continuous voice and call communications between a data network and a telephony network.
- c. APA shows (claim 28) wherein the local device operates independently of whether it is located behind a network address translator (APA: page 1, paragraph 2).
- d. Sridhar shows (claim 32) further comprising: before sending an initial null message, discovering the remote device as a device with which the local device wishes to communicate (column 34, line 40-41, 55-56, column 35, 1-8, Fig. 24 and 25) in an analogous art for the purpose of enhanced network communication.
- e. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Srisuresh's functions of system and method for network address translation as an external service in the access server of a service

provider with Berg's functions of using null packet and Sridhar's functions of directory service.

- f. The modification would have been obvious because one of ordinary skill in the art would have been motivated to combine Srisuresh's teaching in network address translation and Sridhar's teaching in directory service with Berg's teaching in using null packet for packet data connection control.
- g. Regarding claim 29, Berg shows wherein, when the local device is located behind the network address translator, the network address translator discards the initial null message after establishing the address translation (column 22, line 25-44).
- h. Regarding claim 30, Berg shows further comprising: setting a timer when sending the initial null message; upon expiration of the timer, sending a follow-up null message to the remote device (column 23, line 45-59).
- i. Regarding claim 31, Berg shows wherein a delay of the timer depends upon a type of communications protocol used in sending an initial null message (column 20, line 36-41).
- j. Regarding claim 33, Sridhar shows wherein discovering the remote device comprises identifying the remote device and identifying a type of communication in which the local device wishes to participate (claim 1).
- k. Regarding claim 34, Berg shows wherein the network address translator chooses a port number, associates the chosen port number with the initial null message, and communicates the chosen port number to the remote device (column 22, line 25-44).

- l. Regarding claim 35, Berg shows further comprising: setting a timer when sending the initial null message (column 23, line 45-59); upon expiration of the timer, choosing a second port number, associating the second chosen port number with a follow-up null message, communicating the second chosen port number to the remote device, and sending the follow-up null message to the remote device (column 22, line 25-44; column 24, line 15-25 and 39-47).
- m. Regarding claim 36, Berg shows wherein the initial null message includes a first port number and the local device communicates the first port number to the remote device (column 22, line 25-44).
- n. Regarding claim 37, Berg shows wherein when a message is not received from the remote device after a delay, the local device sends another null message that includes a second port number and communicates the second port number to the remote device (column 23, line 45-59).
- o. Claims 38-42 are of the same scope as claims 28-30, 32 and 35. These are rejected for the same reason as for claims 28-30, 32 and 35.

Together Srisuresh, Berg, APA and Sridhar disclosed all limitations of claims 28-42. Claims 28-42 are rejected under 35 U.S.C. 103(a).

***Response to Arguments***

5. Applicant's arguments with respect to pending claims have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to the enclosed PTO-892 for details.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peling A. Shaw whose telephone number is (571) 272-7968. The examiner can normally be reached on M-F 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

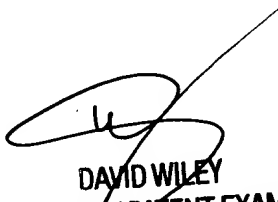
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished



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pas



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